

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT SWEDRON, JR.,

Plaintiff,

08cv1095

Electronically Filed

v.

BADEN BOROUGH, BADEN POLICE
DEPARTMENT, OFFICER JEFFREY D.
OLSON, OFFICER JACK SPENCER, CHIEF
DANIEL COLAIZZI, and MARY SWEDRON,

Defendants.

**ORDER DENYING MOTION TO DISMISS
AS MOOT AND SUPPLEMENTING
CASE MANAGEMENT ORDER**

Pursuant to the agreement of the parties following an informal supplemental case management discussion with law clerk, plaintiff will file a Second Amended Complaint, which will have the effect of mooted defendants' pending motion to dismiss (doc. no. 18).

Accordingly,

IT IS ORDERED that, on or before October 1, 2008, plaintiff shall file his Second Amended Complaint; defendants shall file an Answer to Second Amended Complaint or Motion to Dismiss Second Amended Complaint, in whole or in part, on or before October 21, 2008.

Defendant's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to Rule 12(b)(6) (doc. no. 18) is DENIED as moot.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties